

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3586 OF 2022

Bharat Kumar Bhoumik

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Mithilesh Mishra i/b Mr. Gopal Bhosale, Advocate for the Applicant.
Mr. A. A. Palkar, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 19th OCTOBER, 2023.

P.C. :

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1. By this Application, Applicant is seeking bail in C. R. No. 249 of 2021 registered with Khadki Police Station Pune, for the offences punishable under Sections 8(c), 20(b)(ii) and 29 of the Narcotic Drugs and Psychotropics Substances Act, 1985 (for short NDPS Act”).
2. It is prosecution’s case that, Accused No.1 was caught with the 1.025 gms. Charas by the police. The Accused No.1 told the police that he has brought the said Charas from the present applicant.
3. It is contention of learned counsel for the Applicant that, nothing is recovered at the instance of the Applicant. Applicant has been falsely implicated in this case. The Accused No.1 who was possessing the contraband has been released on bail by this Court

(Coram: M. S. Karnik, J) vide order dated 16th October, 2023. Hence, requested to allow the Application.

4. It is contention of learned APP that the Applicant was involved in the said crime. He had given the contraband to Accused No.1 to sale it to Accused No.3. There are call records between Accused Nos. 1, 3 and present Applicant. It shows the involvement of Applicant in the said crime. There is *prima facie* case against the Applicant. Hence, requested to reject the Application.

5. I have herd both learned counsel. Perused FIR and charge-sheet.

6. The Accused No.1 who was possessing contraband has been released on bail by this Court (Coram: M. S. Karnik, J) vide Order dated 16th October, 2023. There is no recovery at the instance of the Applicant. This Court has released Accused No.3 on bail. Applicant is behind bar for more than one year. Investigation is completed and charge-sheet has been filed.

7. Considering the above facts, further detention of Applicant is not required.

8. In view of above, I pass following order.

ORDER

- (a) The Application is allowed.
- (b) The Applicant be enlarged on bail in C. R. No. 249 of 2021 registered with Khadki Police Station, Pune, on executing P. R. Bond of Rs.1,00,000/- with one or two sureties in the like amount.
- (c) The Applicant shall attend the Investigating Officer of Khadki Police Station once in a month every first Monday of the month between 11:00 a.m. and 1:00 p.m.
- (d) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The Applicant shall not tamper with evidence.
- (e) On being released on bail, the Applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.
- (f) The Applicant shall attend the trial regularly. The

applicant shall co-operate with the trial Court and
shall not seek unnecessary adjournments.

(g) The Applicant shall surrender his passport, if
any, to the investigating officer.

(h) The Applicant shall not leave the country
without prior permission of the trial Court.

8. The Application is allowed in the aforesaid terms and is
accordingly disposed of.

9. It is made clear that the above observations are made only for
the purpose of granting bail and the Trial Court shall decide the case
on its own merits in accordance with law and uninfluenced by the
observations made in this Order.

10. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)